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12 Attorneys for Defendant Power Medical Interventions

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 MYRICK TANTIADO, an individual,

17 Plaintiff,

18 v.

19 POWER MEDICAL INTERVENTIONS, a
 20 Pennsylvania corporation, and DOES ONE
 21 through FIFTY, inclusive,

22 Defendants.
 23

) Case No. C 07-02874 CRB

) **DECLARATION OF JOHN E. DUKE**
) **IN SUPPORT OF STIPULATION**
) **ENLARGING TIME TO FILE**
) **MOTION FOR SUMMARY**
) **JUDGMENT AND MODIFY**
) **BRIEFING SCHEDULE**

24 I, John E. Duke, declare:

25 1. I am a member of the Bar of the Commonwealth of Massachusetts and a
 26 member of the law firm of Foley Hoag LLP, admitted to this Court *pro hac vice* to serve as
 27

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1 counsel of record for defendant Power Medical Interventions, Inc. ("PMI"). I have personal
2 knowledge of the facts stated in this Declaration, and if called upon, could and would testify
3 competently thereto.

4 2. In accordance with Northern District of California Civil Local Rules 6-2 and
5 7-12, and this Court's Standing Orders, the parties in the above-captioned matter stipulate to
6 extend the deadline for filing motions for summary judgment from July 18, 2008 to July 25, 2008.

7 3. The reason for this short extension is that Michael L. Rosen, PMI's lead
8 counsel, has had to tend to an emergency medical situation regarding one of his children.

9 4. The only previous time modification in this case is the Stipulation extending
10 the time for PMI to respond to the Complaint from June 8, 2007 to June 22, 2007 (Docket No. 3.).

11 5. Extending the deadline for filing summary judgment motions will
12 necessitate pushing the summary judgment briefing schedule back a week, such that any
13 opposition will be due to be filed by August 15, 2008 and any reply will be due to be filed by
14 August 22, 2008. As a result, the motion hearing currently scheduled for August 22, 2008 at 10:00
15 a.m. will need to be rescheduled for August 29, 2008 or such other time as is convenient for the
16 Court.
17

18
19 

20 Executed on July 16, 2008, at Boston, Massachusetts.

21 I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct.

23
24 

25 John E. Duke
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